

AMENDED IN SENATE APRIL 29, 2009

**SENATE BILL**

**No. 131**

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**Introduced by Senator Wiggins**

February 9, 2009

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An act to amend Section 25500.1 of the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

SB 131, as amended, Wiggins. Alcoholic beverages: tied-house restrictions.

The Alcoholic Beverage Control Act contains limitations on sales commonly known as “tied-house” restrictions, which generally prohibit a manufacturer, winegrower, manufacturer’s agent, California winegrower’s agent, rectifier, distiller, bottler, importer, or wholesaler from furnishing, giving, or lending any money or other thing of value to any person engaged in operating, owning, or maintaining any off-sale licensed premises. Existing law provides that, for purposes of these provisions, the listing of the names, addresses, telephone numbers or e-mail addresses, or both, or ~~web~~ *Internet Web* site addresses, of two or more unaffiliated on-sale retailers selling wine or brandy, or both, and operating and licensed as bona fide public eating places selling the wine or brandy produced, distributed or imported by a nonretail industry member in response to a direct inquiry from a consumer received by telephone, by mail, by electronic Internet inquiry or in person does not constitute a thing of value or prohibited inducement to the listed on-sale retailer, if specified conditions are met.

This bill would revise the direct inquiry provisions to include any electronic inquiries from consumers. This bill would also make technical, nonsubstantive changes to this provision.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 25500.1 of the Business and Professions  
2     Code is amended to read:  
3     25500.1. (a) Notwithstanding Section 25500, the listing of the  
4     names, addresses, telephone numbers, e-mail addresses, or Internet  
5     ~~Web~~<sup>6+</sup> ~~Web~~ site addresses, of two or more unaffiliated on-sale  
6     retailers selling wine, brandy, or both wine and brandy and  
7     operating and licensed as bona fide public eating places pursuant  
8     to Section 23038 selling the wine, brandy, or both wine and brandy  
9     produced, distributed, imported, or both distributed and imported  
10    by a nonretail industry member in response to a direct inquiry from  
11    a consumer received by telephone, by mail, by electronic inquiry  
12    or in person does not constitute a thing of value or prohibited  
13    inducement to the listed on-sale retailer, provided:  
14    (1) The listing does not also contain the retail price of the  
15    product, and  
16    (2) The listing is the only reference to the on-sale retailers in  
17    the direct communication, and  
18    (3) The listing does not refer only to one on-sale retailer or only  
19    to on-sale retail establishments controlled directly or indirectly by  
20    the same on-sale retailer, and  
21    (4) The listing is made by, produced by, or paid for, or any  
22    combination thereof, exclusively by the nonretail industry member  
23    making the response.  
24    (b) For the purposes of this section, “nonretail industry member”  
25    is defined as a manufacturer, winegrower, distiller of wine, brandy,  
26    or both, regardless of any other licenses held directly or indirectly  
27    by such person. Except as specifically provided above, any  
28    payment for, making or production, either directly or indirectly,  
29    listing the names, addresses, telephone numbers, e-mail addresses,  
30    or Internet Web site addresses, of on-sale retailers otherwise  
31    authorized by this section by a wholesaler or by a wholesaler that  
32    also holds an importer’s license shall constitute the furnishing of

- 1 a thing of value or inducement to the listed on-sale retailers in
- 2 violation of this division.

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